

*In the Matter of Patrick LaGuerre,  
Police Officer, City of East Orange*  
DOP Docket No. 2004-2943  
**(Merit System Board, decided June 23, 2004)**

Patrick LaGuerre requests a permanent appointment as a Police Officer with the City of East Orange.

By way of background, Departmental records indicate that Mr. LaGuerre was appointed by the City of East Orange to the Police Officer title on January 7, 2002. He resigned on October 7, 2002 to accept an appointment as a Sheriff's Officer in the Essex County Sheriff's Office. On December 1, 2003, he resigned from the Sheriff's Office to return to the East Orange Police Department, where he has been working on a nonpermanent basis. The City of East Orange submitted an application on his behalf for reemployment as a Police Officer. The Division of Human Resource Information Services denied the application since Mr. LaGuerre was not permanent in the Police Officer title when he resigned from East Orange, as he did not complete the required 12-month working test period. See *N.J.A.C. 4A:4-5.2*.

On appeal, appellant explains that on November 5, 2003, he appeared before the East Orange Board of Police Commissioners and "received a December 1, 2003 start date as a Police Officer." On this basis, he submitted a letter of resignation to the Essex County Sheriff's Office. On December 1, 2003, he reported to the East Orange Police Department where he was sworn in and signed a "promissory note of employment." He presents that "an honest mistake was made on my reemployment to the East Orange Police Department...The Appointing Authority hired me before confirming my reemployment status with the State Department of Personnel." In support of his appeal, Mr. LaGuerre has submitted additional documentation including, a letter from William L. Shirden, President, Fraternal Order of Police #111.

In his letter, Mr. Shirden states that Mr. LaGuerre is an outstanding Police Officer and he has been a great asset to the East Orange Police Department. He requests that "the right thing [be done] for this Officer."

In reply, the appointing authority indicates that at the Board of Police Commissioners meeting held on May 5, 2004, the Board voted unanimously to honor Mr. LaGuerre's "request for re-employment as a Police Officer with the City of East Orange." However, the appointing authority indicates that "the Board's position is that Mr. LaGuerre must complete his working test period before he is eligible for permanent employment."

## CONCLUSION

*N.J.A.C.* 4A:4-5.2 provides that persons appointed to entry level law enforcement titles shall serve a 12-month working test period. *N.J.A.C.* 4A:4-7.10 (Regular reemployment) provides, in pertinent part, that a *permanent* employee who has resigned in good standing may request consideration for reemployment by indicating availability to his or her appointing authority. As noted previously, Mr. LaGuerre was appointed to the Police Officer title on January 7, 2002 and he resigned on October 7, 2002, three months prior to completing the required working test period, and thus, he was not permanent in that title.

*N.J.A.C.* 4A:4-3.4(a)5 provides that an expired eligible list may be revived for good cause. The record indicates that Mr. LaGuerre was appointed to the Police Officer title from S9999B, which expired on June 19, 2002. The appointing authority rehired Mr. LaGuerre with the expectation that his appointment would be made permanent through regular reemployment. Under these circumstances, good cause exists to revive the S9999B eligible list in order that Mr. LaGuerre may be considered for appointment. It is noted that upon his appointment, Mr. LaGuerre must complete a new working test period.

## ORDER

Therefore, it is ordered that S9999B be revived in order to permit the return of Mr. LaGuerre's name to the list and to effect his appointment to a Police Officer position with the City of East Orange.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.